

(10)

GORDON • FEINBLATT_{LLC}
ATTORNEYS AT LAW

JONATHAN E. MONTGOMERY

410.576.4088

FAX 410.576.4032

jmontgomery@gfrlaw.com

CHS 6848

233 EAST REDWOOD STREET
BALTIMORE, MARYLAND 21202-3332
410.576.4000
www.gfrlaw.com

June 9, 2014

VIA HAND DELIVERY

Mr. Kevin McDonald
Chief, Certificate of Need
Health Facilities Coordination Office
Maryland Health Care Commission
4160 Patterson Avenue
Baltimore, Maryland 21215

RECEIVED

JUN 09 2014

MARYLAND HEALTH
CARE COMMISSION

Re: Talbot Hospice Foundation – Certificate of Need
Application

Dear Mr. McDonald:

As we discussed, enclosed please find six (6) copies of a certain inadvertently omitted section of the certificate of need application (the “Application”) of Talbot Hospice Foundation, Inc. (“Talbot Hospice”) to operate in Talbot County as a general hospice care program. The enclosed section is Talbot Hospice’s response to the standards contained in COMAR 10.24.13.05. The section has been paginated as pp. 21.1 through 21.29 to reflect the intent that the section be read after page 21 and before page 22 of the Application (i.e. in Part III thereof).

Thank you for informing me of this omission, and please also let me know if you have any additional questions or concerns. Your attention is appreciated.

Respectfully Submitted,



Jonathan Montgomery

Enclosures

cc: Suellen Wideman, Esq. (w/o enclosures)
Kathleen H. Foster, R.N., M.S. – Health Officer, Talbot County Health Department
(w/enclosures)
Mr. Michael Tooke (w/enclosures)
Ms. Julie Crocker (w/enclosures)

COMAR 10.24.13.05

Section A – Service Area

Standard:

An applicant shall designate the jurisdiction in which it proposes to provide services.

Response:

Talbot Hospice Foundation, Inc. proposes to provide hospice services in Talbot County, Maryland.

RECEIVED

JUN 09 2014

**MARYLAND HEALTH
CARE COMMISSION**

COMAR 10.24.13.05

Section B – Admission Criteria

Standard:

An Applicant shall identify: (1) Its admission criteria; and (2) proposed limits by age, disease, or caregiver.

Response:

(1) Admission Criteria

Talbot Hospice intends to admit patients using the criteria set forth in the Medicare conditions of participation for hospice programs (42 C.F.R. § 418.1 *et seq.*) and the Department of Health and Mental Hygiene regulations for hospice care programs (COMAR 10.07.21.00 *et seq.*), as elaborated by the accreditation standards for hospice articulated by Community Health Accreditation Program, Inc.

In particular, Talbot Hospice's admission criteria will include at least the following:

(a) Terminal Illness. The patient has been certified as being terminally ill, in accordance with 42 C.F.R. § 418.22.

(b) Admission Recommendation. The patient has been recommended for admission by the medical director of Talbot Hospice after the medical director has sought to consult or otherwise seek input from the patient's attending physician (if any), in accordance with 42 C.F.R. § 418.25.

(c) Patient Election. The patient (or the patient's representative) has elected to receive hospice services by filing with Talbot Hospice an election statement satisfying 42 C.F.R. § 418.24.

Talbot Hospice's utilization review for hospice will include a monitoring protocol to address utilization concerns relating to patient admissions, including delays in the admissions process, in accordance with COMAR 10.07.21.09(F)(3).

(2) Demographic Limits

Talbot Hospice intends to restrict admission of: (1) patients suffering from an infectious disease not manageable by an infection control program meeting the requirements of 42 C.F.R. § 418.60; and (2) pediatric patients, other than in exceptional circumstances. Pursuant to COMAR 10.24.13.04(D), Talbot Hospice intends to work with licensed general hospices in contiguous jurisdictions to arrange for care for such patients, as appropriate.

Talbot Hospice does not otherwise intend to limit admission by age, disease, or caregiver.

COMAR 10.24.13.05

Section C – Minimum Services

Standard:

- (1) An applicant shall provide the following services directly:
 - (a) Skilled nursing care;
 - (b) Medical social services;
 - (c) Counseling (including bereavement and nutrition counseling);
- (2) An applicant shall provide the following services, either directly or through contractual arrangements:
 - (a) Physician services and medical direction; (h) Hospice aide and homemaker services;
 - (c) Spiritual services;
 - (d) On-call nursing response
 - (e) Short-term inpatient care (including both respite care and procedures necessary for pain control and acute and chronic symptom management);
 - (f) Personal care;
 - (g) Volunteer services;
 - (h) Bereavement services;
 - (i) Pharmacy services;
 - (j) Laboratory, radiology, and chemotherapy services as needed for palliative care;
 - (k) Medical supplies and equipment; and
 - (l) Special therapies, such as physical therapy, occupational therapy, speech therapy, and dietary services.
- (3) An applicant shall provide bereavement services to the family for a period of at least one year following the death of the patient.

Response:

(1) Mandatory Direct Services

a) Skilled Nursing Care: Talbot Hospice will directly provide skilled nursing care to its hospice patients. Talbot Hospice's plan for nursing care is attached as Exhibit III-05C(1)-a.

b) Medical-Social Services: Talbot Hospice will directly provide psychosocial services to its hospice patients, through licensed health care practitioners performing under physician supervision. Talbot Hospice's plan for nursing care is attached as Exhibit III-05C(1)-b.

c) Counseling: Talbot Hospice will directly provide counseling services to its patients, including bereavement counseling and nutritional counseling. Talbot Hospice's plan for bereavement counseling is attached as Exhibit III-05C(1)-c-i. Talbot Hospice's plan for nutrition counseling is attached as Exhibit III-05C(1)-c-ii.

(2) Other Services

a) *Physician Services*: Talbot Hospice will contract with a physician to serve as medical director of the hospice program in the context of Talbot Hospice's interdisciplinary care team. Talbot Hospice will also work closely with patients' attending physicians, as well as relevant physicians in the community. Talbot Hospice's interdisciplinary care plan is attached as Exhibit III-05C(2)-a

b) *Hospice Aides*: Talbot Hospice will provide its patients the services of hospice aides. Talbot Hospice's plan for utilization of hospice aides is attached as Exhibit III-05C(2)-b.

c) *Spiritual Services*: Talbot Hospice intends to provide directly spiritual counseling services to patient and families/caregivers. Talbot Hospice's plan for spiritual counseling is attached as Exhibit III-05C(2)-c.

d) *On-Call Nursing*: Talbot Hospice will provide on-call nursing services either directly or through contract, in accordance with its on-call nursing policy described in Exhibit III-05C(2)-d.

e) *Short Term Inpatient Care*: Talbot Hospice will have written agreements with other service providers arranging for inpatient hospice care for Talbot Hospice patients. Talbot Hospice's plan for securing inpatient care is set forth in its response to COMAR 10.24.13.05(L) and the exhibits thereto.

f) *Personal Care*: Talbot will use hospice aides, nurse educators, and other members of Talbot Hospice's interdisciplinary care team to assist patients and caregivers/families in personal care. Talbot Hospice's guidelines for personal care education are set forth in its response to COMAR 10.24.13.05(N) and the exhibited thereto.

g) *Volunteer Services*: Talbot Hospice will provide volunteer services directly. Talbot Hospice's plan for providing volunteer services is set forth in its response to COMAR 10.24.13.05(E) and the exhibits thereto.

h) *Bereavement Services*: Talbot Hospice will arrange for bereavement services in addition to bereavement counseling Talbot Hospice will provide directly. Talbot Hospice's plan for bereavement services is already attached as Exhibit III-05C(1)-c-i.

i) *Pharmacy Services*: Talbot Hospice will have written agreements with external pharmacies for providing pharmacy services to Talbot Hospice patients. Talbot Hospice's plan for contracting for pharmacy services is set forth in its response to COMAR 10.24.13.05(L).

j) *Laboratory, Radiology, and Chemotherapy*: Talbot Hospice will contract with existing providers offering laboratory, radiology, and chemotherapy services.

k) Medical Supplies and Equipment: Talbot Hospice will have written agreements with suppliers for providing pharmacy services to Talbot Hospice patients. Talbot Hospice's plan for contracting for pharmacy services is set forth in its response to COMAR 10.24.13.05(L).

l) Special Therapies and Dietary Services: Talbot Hospice will contract with existing providers offering physical therapy, occupational therapy, and speech therapy. Talbot Hospice will also contract with a third-party provider of dietary services.

(3) Bereavement Services

Talbot Hospice will provide bereavement services to a patient's family for a period of at least one year following the death of the patient, as reflected in Talbot Hospice bereavement policy (already attached as Exhibit III-05C(1)-c-i).

COMAR 10.24.13.05

Section D – Setting

Standard:

An applicant shall specify where hospice services will be delivered: in a private home; a residential unit; and inpatient unit; or a combination of settings.

Response:

Talbot Hospice Foundation, Inc. intends to deliver home-based hospice services and is not seeking to create an inpatient hospice unit. Talbot Hospice Foundation, Inc. intends to deliver services in Talbot County in the following categories of locations:

- (1) Private homes, for patients living at home;
- (2) In residential facilities, such as assisted living facilities and retirement homes; and
- (3) In inpatient facilities, such as skilled nursing facilities and hospitals, through linkages with existing health care providers operating such facilities.

COMAR 10.24.13.05

Section E – Volunteers

Standard:

An applicant shall have available sufficient trained volunteers to meet the needs of patients and families in the hospice program.

Response:

(1) General Policy

Talbot Hospice's volunteer services will, in a manner consistent with the standards set forth in 42 C.F.R. § 418.17 and COMAR 10.07.21.18, play a vital role in enhancing the quality of care delivered to the patient and family by encouraging community participation in the overall hospice care program.

Founded in 1981, Talbot Hospice began as a solely volunteer hospice organization with 24 volunteers. Today, under the direction of a dedicated Coordinator of Volunteers, Talbot Hospice has over 300 volunteers who fulfill a significant role in enhancing the quality of care delivered to patients and families/caregivers.

Many of our Talbot Hospice volunteers serve because they experienced hospice with a close friend or family member. With these experiences as their inspiration, our dedicated volunteer corps offers special skills and talents to meet the individual needs of our patients in their last days.

(2) Meeting the Needs of Patients and Families

Talbot Hospice volunteers work in both day-to-day administrative and direct patient care roles, including but not necessarily limited to those listed in Talbot Hospice's policy and procedure for volunteer services (attached as Exhibit III-05E(2)).

(3) Sufficient Volunteers

Talbot Hospice has provided sufficient volunteers to meet the needs of all patients, families, and caregivers who have received hospice services in Talbot County for over thirty years. This level of volunteer service will be maintained when Talbot Hospice becomes a general license hospice.

In 2013, volunteers provided 11,846 hours of service, which exceeds the 5% total patient care hour requirement. The value of their hours of service was equal to \$262,270; volunteers drove 56,624 miles to assist patients.

Talbot Hospice makes active and ongoing efforts to recruit, train, and retain volunteers. Public service announcements regarding upcoming volunteer training are distributed to newspapers, community centers, local radio stations, and churches. Talbot Hospice screens volunteers as described in the policies and procedures attached as Exhibit III-05E(3).

(4) Trained Volunteers

Talbot Hospice will continue to maintain, document, and provide volunteer orientation and training that is consistent with hospice industry standards.

a) Orientation:

Talbot Hospice offers Volunteer Training twice each year. Class size is limited to twenty-five, and remains consistently full with a waiting list for each class. Volunteer Training consists of 16 hours of comprehensive instruction on a variety of end-of-life topics, including hospice philosophy, patient rights, coping mechanisms, spirituality, grief, bereavement, the dying process, emergency procedures, family dynamics, cultural diversity, and listening skills. Volunteer training includes duties to be performed, associated responsibilities related to the tasks, identification of the person the volunteer reports to, and persons to contact for assistance and instruction. Prospective volunteers provide evaluations to help Talbot Hospice improve subsequent trainings.

b) In-Service, Ongoing Training:

In addition to training, volunteers are required to participate in one in-service per year to maintain and improve their skills. These in-services are offered on a variety of topics and are offered monthly; the Spring 2014 schedule is attached as Exhibit III-05E(4)-b of this application.

c) Evaluation:

The duties and responsibilities of the Coordinator of Volunteers and of the volunteers are defined in their job descriptions. Volunteers are supervised by the Coordinator of Volunteers or other professional member of the interdisciplinary team. Volunteers are evaluated regularly. To enable evaluation, volunteers document their activities as described in the policies and procedures attached as Exhibit III-05E(4)-c. The volunteer program as a whole is evaluated annually to provide feedback for improvements to the program; this information is shared with the Board.

d) Documentation and Review:

Volunteer activities are documented and reviewed as described in the policies and procedures attached as Exhibit III-05E(4)-d.

COMAR 10.24.13.05

Section F – Caregivers

Standard:

An applicant shall provide, in a patient's residence, appropriate instruction to, and support for, persons who are primary caretakers for a hospice patient.

Response:

(1) General Policy

We at Talbot Hospice Foundation, Inc. ("Talbot Hospice") recognize that caregivers for hospice patients are an integral part of hospice care and as such have numerous and various educational needs in regard to their care giving, including the development of the *Pathways* program. Talbot Hospice also recognizes the emotional and physical stress placed on caregivers and has developed programs for caregiver support.

(2) Caregiver Support

Talbot Hospice offers a support group every Thursday at 1pm in our bereavement office. This group is open to any caregiver in our community whether it is a family or a hired caregiver. As one of our most popular support groups, this provides the opportunity for caregivers to share peer to peer the stresses and challenges of being a caregiver.

(3) Caregiver Instruction – Assessment and Plan

a) Mode: Patients and family/caregivers will receive education in verbal, visual, and written format as appropriate. The scope of the teaching will be determined by the assessed needs, abilities, learning preferences and readiness to learn of the caregiver as well as by the patient's plan of care. Talbot Hospice's draft patient education policy is attached hereto as Exhibit III-05F(3)-a.

b) Materials: All resources available and appropriate to the education will be used including but not limited to: community resources (e.g., The Cancer Center), audiotapes, videotapes, books, booklets, etc. Talbot Hospice intends to adopt guidelines for the use of reference materials, and Talbot Hospice's draft guidelines are attached hereto as Exhibit III-05F(3)-b.

c) Nurse Educator: Talbot Hospice currently has on staff a Nurse Educator whose role is to provide appropriate education to our Pathways patients and family members as determined by a needs assessment to include those areas addressed above. Additionally, in this role the Nurse Educator also provides education to the residents and family members in our Guest Wing (Talbot Hospice's assisted living facility) and works with the staff of all shifts to insure appropriate education is being provided as needed.

(4) Caregiver Instruction – Content.

As part of the patient's comprehensive assessment, education, and documentation, the following factors will be assessed and included in the plan of care:

a) Atmosphere for conducive learning: Talbot Hospice will use an interdisciplinary team, including the Nurse Educator, to optimize the environment for learning, including as described in the guidelines referenced elsewhere in this response.

b) Patient's disease process and prognosis: Talbot Hospice intends to adopt guidelines for instruction of caregivers in assessment of disease process and prognosis – such as training in recognizing symptoms of deterioration – and Talbot Hospice's draft guidelines are attached hereto as Exhibit III-05F(4)-b.

c) Food/Nutrition/Drug interventions: Talbot Hospice intends to adopt guidelines for instruction of patients and family/caregivers in maintaining proper food and nutritional support for patients – including the consequences of not doing so – and Talbot Hospice's draft guidelines are attached hereto as Exhibit III-05F(4)-c.

d) Prescribed treatments: Talbot Hospice intends to adopt guidelines for instruction of patients and family/caregivers in the importance of complying with prescribed treatments—including practical advice on habilitation and rehabilitation as described in draft guidelines attached hereto as Exhibit III-05F(4)-d.

e) Pain management: Talbot Hospice intends to adopt guidelines for instruction of patients and family/caregivers in pain management – including pain assessment and management modalities – and Talbot Hospice's draft guidelines are attached hereto as Exhibit III-05F(4)-e.

f) Medication Management: Talbot Hospice intends to adopt guidelines for instruction of patients and family/caregivers in the safe and effective use of medication, as described in Exhibit III-05F(4)-c referenced above.

g) Consequences of noncompliance. Talbot Hospice intends to adopt guidelines for instruction of patients and family/caregivers in the importance of complying with prescribed food and medication regimens, as described in Exhibit III-05F(4)-c referenced above.

h) Safety: Talbot Hospice intends to adopt guidelines for instruction of patients and family/caregivers in basic safety – including natural disaster response, environmental and mobility safety, as well as safety in the activities of basic living – and Talbot Hospice's draft guidelines are attached hereto as Exhibit III-05F(4)-h.

i) Personal hygiene and grooming. Talbot Hospice intends to adopt guidelines for instruction of patients and family/caregivers in techniques for personal hygiene and grooming, among other activities of daily living.

j) Infection control and prevention: Talbot Hospice intends to adopt guidelines for instruction of patients and family/caregivers in infection control – such as handling soiled clothing and needles – and Talbot Hospice’s draft guidelines are attached hereto as Exhibit III-05F(4)-j.

k) Safe and effective use of equipment/supplies: Talbot Hospice intends to adopt guidelines for instruction of patients and family/caregivers in the use of home medical equipment and supplies – including through linkages with home medical equipment companies – and Talbot Hospice’s draft guidelines are attached hereto as Exhibit III-05F(4)-k.

(5) Caregiver Instruction – Documentation

Talbot Hospice personnel will document patient education as set forth in its policies and procedures, drafts of which have been attached to this Application as exhibits.

In general, documentation of caregiver education will consist of describing what was taught to the caregiver, any use of preprinted materials, and the response to teaching, including the level of understanding and the ability of the learner to demonstrate what was taught. Additional documentation will include any learning needs not met and the teaching plan for subsequent visits.

(6) Interdisciplinary Review

Education is the responsibility of each interdisciplinary group member on the Talbot Hospice team. At the interdisciplinary group meetings, patient education and learning needs are discussed by all the group members involved in the patient’s care. In planning any education, the caregiver’s knowledge, skills, and behaviors will be assessed during hospice visits. Individual needs and learning styles will be evaluated to determine the appropriate educational methods and resources.

COMAR 10.24.13.05

Section G – Impact

Standard:

An applicant shall address the impact of its proposed hospice program, or change in inpatient bed capacity, on each existing general hospice authorized to serve each jurisdiction affected by the project. This shall include projections of the project's impact on future demand for the hospice services provided by the existing general hospices authorized to serve each jurisdiction affected by the proposed project.

Response:

Talbot Hospice's proposed general hospice care program will not adversely impact any existing hospice provider in Talbot County because the sole provider in the jurisdiction has decided not to continue to operate there.

Talbot County's sole provider of general hospice services is Care Health Services, Inc. d/b/a Shore Home Care and Hospice ("**Shore Hospice**"), a subsidiary of University of Maryland Shore Regional Health, Inc. ("**Shore Regional**") and an affiliate of Chester River Home Care & Hospice, LLC ("**Chester River**").

While Shore Regional initially sought to consolidate Shore Hospice with Chester River into a new "Five Rivers" entity, Shore Regional has since concluded that such consolidation project is unworkable. Shore Regional has instead decided to make way for community providers of services on the Eastern Shore. Shore Regional, Hospice of Queen Anne's, Inc. ("**HQA**"), and Talbot Hospice have therefore come to an understanding that:

- (a) Shore Regional will sell Chester River to HQA,
- (b) Talbot Hospice will apply for a certificate of need to become the licensed general hospice provider in Talbot County,
- (c) Shore Regional will transfer Shore Hospice to Hospice of Queen Anne's, Inc. ("HQA"), intending that the operations of Shore Hospice will pass to HQA permanently in Caroline County and will pass to HQA in Talbot County temporarily (that is, until such time Talbot Hospice is prepared to operate as a general hospice care program), and
- (d) Talbot Hospice will give HQA a subsidy to enable HQA to provide such temporary services in Talbot County.

Talbot County hospice services will deteriorate unless Talbot Hospice becomes a general hospice care program.

Although Shore Hospice's team of practitioners and administrators has performed well, Shore Regional's plan to exit the hospice business is becoming known. Accordingly, a lengthy lame-duck period should be avoided, especially if it leads to experienced hospice professionals

seeking employment elsewhere. Talbot Hospice is prepared to bring on Shore Hospice practitioners and can keep this expertise in the County.

HQA has indicated that it will provide hospice services in Talbot County only until such time as Talbot Hospice can begin fully operating a general hospice care program in the County, and it will receive a subsidy from Talbot Hospice to do so. Medicare reimbursement for hospice in Talbot County is challenging. Talbot Hospice has the resources – including a \$4.5 million unrestricted endowment – as well as the experience and community support to meet that challenge.

In sum, the proposed project will not have any negative impact on an existing provider.

COMAR 10.24.13.05

Section H – Financial Accessibility

Standard:

An applicant shall be or agree to become licensed and Medicare-certified, and agree to accept patients whose primary source of payment is Medicare or Medicaid.

Response:

(1) Licensure

Talbot Hospice Foundation, Inc. agrees to become a licensed general hospice program. Talbot Hospice Foundation, Inc. personnel have begun preparing an application for licensure in the form required by the Department of Health and Mental Hygiene. Talbot Hospice Foundation, Inc. personnel have contacted the director of the Office of Health Care Quality, Dr. Patricia Nay, and Dr. Nay has indicated that her office will work with Talbot Hospice Foundation, Inc. to complete the application for licensure.

(2) Medicare Certification

Talbot Hospice Foundation, Inc. agrees to become a Medicare-certified hospice program. In conjunction with its licensure application, Talbot Hospice Foundation, Inc. will file an application for enrollment into the Medicare program with the appropriate Medicare intermediary.

(3) Medicare/Medicaid Payment

Talbot Hospice Foundation, Inc. agrees to accept patients whose primary source of payment is Medicare or Medicaid.

COMAR 10.24.13.05

Section I – Information to Providers and the General Public.

Standard:

- 1) General Information. An applicant shall document its process for informing the following entities about the program's services, service area, reimbursement policy, office location and telephone number:
 - a) Each hospital, nursing home, home health agency, local health department, and assisted living provider within its proposed service area;
 - b) At least five physicians who practice in the proposed service area;
 - c) The Senior Information and Assistance offices located in its proposed service area; and;
 - d) The general public in its proposed service area.
- 2) Fees. An applicant shall make its fees known to prospective patients and their families before services are begun.

Response:

(1) General Information

Information Conveyed: In informing providers and the general public about services offered by Talbot Hospice, the following information will be conveyed:

- i. The programs and services offered by Talbot Hospice
- ii. That Talbot Hospice serves all of Talbot County
- iii. Talbot Hospice's physical address, phone numbers, and fax numbers
- iv. Talbot Hospice's office hours
- v. Talbot Hospice's fee structure and insurance coverage for hospice care
- vi. Talbot Hospice's web address (www.talbothospice.org)

Talbot Hospice will convey this information to the following:

- a. *Providers:* An information packet will be sent to facilities and agencies in Talbot County. The packet will include the information described in above as well as a list of Talbot Hospice staff members and a description of their names, titles, roles and responsibilities. Targets for the packet include those listed in the attached Exhibit III-05I(1), as well as each skilled nursing facility, assisted living facility, retirement community, and home health agency in Talbot County. Talbot Hospice currently has effective working relationships with many of these organizations, as they frequently refer patients to our hospice and Pathways programs.

- b. *Senior Information and Assistance offices:* The Talbot Hospice Executive Director is a member of the Talbot County Commission on Aging; she will ensure distribution of the information packet to all Commission members along with a presentation of the materials at one of their meetings. The Commission meetings are held at the Talbot County Senior Center; the Executive Director will work with the Center's Director to plan appropriate distribution of the hospice information at the Senior Center.
- c. *Physicians:* Talbot Hospice has a complete listing of all referring physicians in the area; Talbot County physicians will receive an informational packet during a visit by a hospice nurse, who will review the information with them in person where feasible. Physicians initially selected to receive the packet are listed in the attached Exhibit III-05I(1).
- d. *The General Public:*
- i. In General: Talbot Hospice will maintain an ongoing public education program, as described in its response to COMAR 10.24.13.05(N) and as elaborated in its plan attached thereto as Exhibit III-05N.
- ii. Initial Notification: Upon obtaining its CON and general license, Talbot Hospice will place a notice in the principal local newspaper, *The Star Democrat*, to include all pertinent information about Talbot Hospice and the hospice care and supportive services it offers. This information will also be provided to those other area publications, including:
- *Attraction Magazine*
 - *The Tidewater Times*
 - *The Talbot Guide*
 - *Easton Update*
 - *What's Up Eastern Shore*

Additionally, the information will be posted on the Talbot Hospice website, which will provide more detailed information, such as specifics about the interdisciplinary team, plan of care, staffing, home visits, continuous care, inpatient respite care, general inpatient care and transportation. Information provided will also include volunteer support, bereavement counseling and spiritual counseling.

(2) Fees

Talbot Hospice has established a policy and procedure, attached as Exhibit III-05I(2), for making its fees known to prospective hospice patients and their caregivers/families prior to providing hospice services to such patients.

COMAR 10.24.13.05

Section J –Charity Care and Sliding Fee Scale.

Standard:

Each applicant shall have a written policy for the provision of charity care for indigent and uninsured patients to ensure access to hospice services regardless of an individual's ability to pay and shall provide hospice services on a charitable basis to qualified indigent persons consistent with this policy.

Response:

Talbot Hospice aims to provide hospice services to individuals of all financial means, including the poor and the uninsured. No patient will be turned away based on inability to pay. Talbot Hospice can make this commitment because of its financial strength, including an active donor base and an unrestricted endowment exceeding \$4.5 million.

As described below, Talbot Hospice has a long history of providing free or reduced cost items and services to members of the Talbot County community. In light of that heritage, and seeking to conform its charity care policy to Commission requirements, Talbot Hospice has created a draft charity care policy – attached as Exhibit III-05J – that sets forth the principles Talbot Hospice intends to employ as a general hospice care program to assess eligibility and grant care.

(1) Determination of Eligibility for Charity Care:

See Exhibit III-05J.

(2) Notice of Charity Care Policy:

Talbot Hospice will disseminate information regarding the hospice's charity care policy, on an annual basis, through methods designed to best reach the population in Talbot County, and in a format understandable by the Talbot County population. An annual notice will be published in the principal area newspaper *The Star Democrat*, and will also be distributed to the Talbot County Health Department, the Talbot County Department of Social Services, and the Talbot County Commission on Aging. Notices regarding the hospice's charity care policy will be posted in the business office of Talbot Hospice and on its website. Prior to the provision of hospice services, Talbot Hospice will address any financial concerns of patients and patient families, and provide individual notice regarding the hospice's charity care policy to the patient and family.

(3) Discounted Care Based on a Sliding Fee Scale and Time Payment Plan Policy:

See Exhibit III-05J.

(4) Policy Provisions:

(a) Track Record:

Over the past thirty years, Talbot Hospice has established a strong track record for the provision of charity care services in Talbot County. Talbot Hospice has been committed to providing its services to the community without regard to a patient's ability to pay since its founding in 1981. All bereavement, spiritual counseling and volunteer services have been provided without charge to any patient or community group. Since the opening of The Guest Wing in 1998, room and board were provided without charge to residents until 2011, when a sliding fee scale was introduced for those residents who are able to bear some of the room and board costs. Under the current sliding scale, the maximum daily fee represents only 50% of the actual costs of room and board.

Talbot Hospice provides supplies to patients and families enrolled in the hospice program. These supplies include items such as disposable pads, wipes, gowns, gloves, barrier creams, and light durable medical equipment. Talbot Hospice receives no reimbursement for providing these supplies, and provides them to patients without charge.

Pathways is a pre-hospice program that provides non-medical support to Talbot County residents with currently progressing life-limiting illness who choose to continue life-extending or curative treatments. The program provides a nurse educator, bereavement counseling, spiritual counseling, volunteer support, light durable medical equipment, and supplies. Hospice staff involved with *Pathways* meet every two weeks as an interdisciplinary group to coordinate services for each patient and family in the program. The *Pathways* program has always been provided to patients and families without charge.

Talbot Hospice provides a broad range of bereavement services to the Talbot County community. A Caregivers Support group meets weekly and is open to anyone who is caring for a loved one with a life limiting illness. The Suicide Grievors Support Group and the school-based Rainbow Days are other examples of services that are open to anyone in the community, and are unrelated to hospice. Bereavement support is offered through the Looking Ahead classes, while The Next Chapter is for persons moving on from grief. Both groups are open to anyone in the community, irrespective of any previous relationship with Talbot Hospice. All of these services are offered without charge.

Finally, there are the innumerable examples of individual charity care that speak volumes about Talbot Hospice's commitment to charity care. Here is a partial list:

- A toddler bed purchased for a terminally ill child
- A headphone and amplifier so a hearing-impaired patient could converse with her visitors
- Gift cards for gasoline so patients can visit their loved ones
- Gift cards for the purchase of groceries
- Holiday gifts for a terminally ill child's last Christmas

- Swimming sessions for a patient whose muscle tremors were relieved by warm-water immersion
- Prescription co-pays and supplemental OTC medications for patients
- Help for a hospice patient to be relocated after a flood
- Baby monitors for loan so caregivers can hear patients from all areas of their home
- A hospital bed for a pending hospice patient who would otherwise have gone to the Emergency Room
- Interpreters to help non-English speaking families understand hospice services
- Books to help parents comfort their children and answer their questions about death and dying
- Nutritional supplements for low-income hospice patients
- Ambulance service for hospice patients admitted to our Guest Wing who were unable to pay
- Emergency pest control for low-income patients
- Dishwasher repair for a patient whose immune system was compromised
- Wedding decorations, a cake, and flowers so a hospice patient could marry his fiancé

(b) Continuing Commitment:

The substantial track record of charity services outlined above is testament to the commitment of Talbot Hospice to maintaining a significant level of charity care in Talbot County. We will plan to continue this commitment in the following ways:

- We have created business projections that include a line item for provision of charity care, and will include in future annual budgets.
- The Board will ensure sufficient revenue from Medicare reimbursement, donations and endowment income to achieve its commitment to charity care.
- The Board of Directors will review our experience with respect to charity care on an annual basis in order to make adequate provisions in our budget.
- The Board will monitor utilization as well as feedback from the community to ensure that all residents of Talbot County have access to quality end-of-life care regardless of their economic circumstances.

COMAR 10.24.13.05

Section K – Quality

Standard:

(1) An applicant that is an existing Maryland licensed general hospice provider shall document compliance with all federal and State quality of care standards.

(2) An applicant that is not an existing Maryland licensed general hospice provider shall document compliance with federal and applicable state standards in all states in which it, or its subsidiaries or related entities, is licensed to provide hospice services or other applicable licensed health care services.

(3) An applicant that is not a current licensed hospice provider in any state shall demonstrate how it will comply with all federal and State quality of care standards.

(4) An applicant shall document the availability of a quality assurance and improvement program consistent with the requirements of COMAR 10.07.21.09.

(5) An applicant shall demonstrate how it will comply with federal and State hospice quality measures that have been published and adopted by the Commission.

Response:

(1) Compliance as Existing Licensed General Hospice Provider

This standard is not applicable; Talbot Hospice Foundation, Inc. is not an existing Maryland licensed general hospice provider.

(2) Compliance as a Licensed Provider of Health Care Services

a) Limited Hospice Program:

Talbot Hospice currently operates as a licensed limited hospice program under a license issued by the Office of Health Care Quality.

Talbot Hospice, under the terms of a Coordinating Agreement, assists Shore Home Care and Hospice (SHCH), the current general license hospice for Talbot County, in SHCH's efforts to comply with all federal and State quality of care standards. Talbot Hospice assists SHCH in quarterly data collection for standards of care measures in the areas of: patient safety-falls, with and without injury; medication errors; and other miscellaneous incidents. These findings are presented at the SHCH Professional Advisory Committee meetings and correlated into their overall trends and findings for all patients served on the hospice program. For example, Talbot Hospice recently conducted a quarterly review of incident reports at The Guest Wing (Talbot Hospice's assisted living facility) relating to the quality of care for hospice patients residing

there. In response to the review, Talbot Hospice initiated a performance improvement plan to improve areas of patient care that were identified, and the plan and its results were communicated to SHCH.

Talbot Hospice sends out family satisfaction surveys to evaluate the programs offered through Talbot Hospice; the results are analyzed annually for potential areas of improvements. Over the past fifteen years, the Office of Health Care Quality has received only one complaint regarding a concern with care a patient had received at Talbot Hospice. A complaint investigation was conducted at Talbot Hospice's facility by the OHCQ, and the OHCQ found that Talbot Hospice was in compliance with State requirements for a hospice provider.

b) Assisted Living Facility:

Under its current Assisted Living Facility License, Talbot Hospice has maintained compliance with all State requirements for licensure, including but not limited to: COMAR 10.07.14 *et seq.*, setting forth standards applicable to assisted living facilities; Life Safety Code-NFPA 101; the State Fire Prevention Code and state fire safety surveys; OSHA workplace safety rules; and worker's compensation.

In January 2014, OHCQ conducted an on-site survey and granted Talbot Hospice an Assisted Living Facility license without a single citation.

(3) Compliance as Prospective Licensed General Hospice Provider

As a licensed general hospice, Talbot Hospice will comply with local, state, and federal regulations. Talbot Hospice will maintain evidence of regulatory compliance, including but not limited to: documentation of its current state license; Medicare and Medicaid provider numbers; business license; CLIA certification; reports to reviewing bodies (CHAP, FDA, state licensure surveys, OSHA, etc.); nursing services waiver of requirement; physical, occupation, speech therapy and dietary counseling waiver of requirement; death reporting to CMS per requirement. The Medicare Conditions of Participation for hospice programs will apply to all Talbot Hospice patients.

Talbot Hospice will comply with all federal and State quality of care standards. In addition to federal and State quality of care standards, Talbot Hospice will be committed to the National Hospice and Palliative Care Organization's Outcome Measures that include self-determined life closure, comfortable dying, and effective grieving as benchmark targets. Talbot Hospice will use the NHPCO Ten Components of Quality as a comprehensive framework for organizing, assessing and monitoring the clinical and non-clinical operations of the program. The Ten Components of Quality will also provide strong areas of focus for quality improvement. These components include:

- Patient and Family Centered Care (Family Evaluation of Hospice Care),
- Ethical Behavior and Consumer Rights,
- Clinical Excellence and Safety (Edmonton Symptoms Assessment Scale),
- Inclusion and Access-promoting inclusiveness in the Talbot community by ensuring that all people-regardless of religion, race, ethnicity, color, gender, disability, sexual orientation, age or other characteristics-have access to Talbot Hospice programs and services,
- Organizational Excellence,
- Workforce Excellence,
- Standards-adopting the NHPCO Standards of Practice for Hospice Programs, and the National Consensus Project's Clinical Practice Guidelines for Quality Palliative Care as the foundation for Talbot Hospice,
- Compliance with Laws and Regulations,
- Stewardship and Accountability, and,
- Performance Measurement.

Talbot Hospice will have a QAPI Structural measurement process in place that includes at least three patient care-related performance measures. Talbot Hospice will collect data and report on the Comfortable Dying Measure so that patients reach a comfortable level of pain control within forty-eight hours of initial assessment.

Talbot Hospice will comply with the Hospice Information Set requirements, collecting data and reporting on the seven new hospice quality measures:

- Pain Screening;
- Pain Assessment;
- Dyspnea Screening;
- Dyspnea Treatment;
- Treatment Preferences;
- Patients Treated with an Opioid who are Given a Bowel Regimen; and,
- Beliefs/Values Addressed (if desired by patient).

This Hospice Information Set will be completed within fourteen days after admission and within seven days after discharge for all patients under the Talbot Hospice Program. This data will be collected based on review of information contained in the patient's clinical hospice record. Talbot Hospice will report this data on a rolling basis to Medicare's Quality Improvement Evaluation System Assessment Submission and Processing system.

Talbot Hospice will be prepared as of January 1, 2015 to comply with the Hospice Experience of Care Survey. We will select a CMS approved vendor to administer the survey on Talbot Hospice's behalf.

(4) Quality Assurance and Utilization Review Program

Talbot Hospice will have a Quality Assurance and Utilization Review Program in compliance with COMAR 10.07.21.09. Its draft plan for such program is attached as Exhibit III-05K.

(5) Compliance with Quality Measures

As demonstrated in this Application's responses the standards set forth in COMAR 10.24.13.05, Talbot Hospice will comply with the measures selected and published by the Commission for assessing the quality of the Talbot Hospice program. In addition, Talbot Hospice will continue collaborate and cooperate with Maryland Health Care Commission staff to work on data collection to report quality measures identified by the Commission.

COMAR 10.24.13.05

Section L – Linkages with Other Service Providers

Standard:

- (1) An applicant shall identify how inpatient hospice care will be provided to patients, either directly, or through a contract with an inpatient provider that ensures continuity of patient care.
- (2) An applicant shall agree to document, before licensure, that it has established links with hospitals, nursing homes, home health agencies, assisted living providers, Adult Evaluation and Review Services (AERS), Senior Information and Assistance Programs, adult day care programs, the local Department of Social Services, and home delivered meal programs located within its proposed service area.

Response:

(1) Arranging Inpatient Care

a) Contracts: Talbot Hospice will have written agreements arranging for inpatient hospice care for Talbot Hospice patients. These agreements will ensure continuity of patient care, allowing Talbot Hospice's interdisciplinary team to continue support during admission to inpatient care on a daily and as needed basis twenty four hours a day. The agreements will divide tasks between Talbot Hospice and the inpatient care provider, and will: (i) mandate that employees of the inpatient care provider will receive training in hospice philosophy, care and post-mortem care; (ii) call for nursing care to be provided to hospice patients on a twenty-four hour basis; (iii) set standards for the physical environment, including but not limited to: private care settings, visitation without restrictions on ages of visitors or hours of visiting, privacy for family after a patient's death, and a home-like room environment that supports patient dignity.

b) Continuity of Care: Through its performance improvement program and corporate compliance program, Talbot Hospice will retain responsibility for evaluating services, maintaining professional management responsibility, and ensuring continuity of care in all settings in accordance with 42 C.F.R. § 418.108(c), COMAR 10.07.21.11(A), and COMAR 10.07.21.12(A). In particular, the hospice patient's Case Manager will provide the inpatient staff with the patient's plan of care, and will keep the patient comfortable, clean, well groomed, and protected from accident, injury, and infection. The plan of care will address the inpatient services to be provided. The inpatient clinical record will include documentation of all services and events, including a discharge summary when applicable. The Case Manager will collaborate with the attending physician and staff to manage symptoms while the patient is under inpatient care, as well as to facilitate a smooth discharge and transition for the patient and family to return

home or to an alternate level of care. All interdisciplinary team members and the attending physician will be notified of the discharge and change in level of care as ordered by the physician, and the hospice program will be responsible for the coordination of the patient's transfer into and out of the inpatient level of care.

c) Providers: Talbot Hospice anticipates executing agreements with (i) the University of Maryland Shore Medical Center at Easton, a TJC-accredited and Magnet Status hospital, to provide inpatient care and laboratory services, as well as a link to their home health care program; and (ii) Hospice of Queen Anne's, Inc., to provide general inpatient care for Talbot County hospice patients.

(2) Documenting Linkages

Prior to licensure, and in any reasonable form acceptable to the Commission, Talbot Hospice will document linkages with Talbot County's hospitals, nursing homes, home health agencies, assisted living providers, Adult Evaluation and Review Services (AERS), Senior Information and Assistance Programs, adult day care programs, the local Department of Social Services, and home delivered meal programs located within its proposed service area.

In particular, Talbot Hospice currently maintains, or will establish, linkages with a variety of health care providers, suppliers, and senior service agencies in Talbot County, as follows:

a) Nursing Homes and ALFs:

Linkages within the community to meet the needs of the hospice patients will include contracts with the local nursing homes in Talbot County: William Hill Manor, William Hill Gardens, and The Pines; and Assisted Living Facilities: Heartfields, Candlelight Cove, Dixon House, and The Guest Wing. Talbot Hospice has current working relationships with all facilities mentioned and will continue to work in partnership with the facilities to strive for the highest standard of care for hospice patients and families. Talbot Hospice will also pursue partnerships with any other new facilities that open in Talbot County in the future.

b) Durable Medical Equipment:

Talbot Hospice will have contracts in place with Craig's Pharmacy for durable medical equipment and supplies; this vendor operates in Talbot County and is CHAP and DMEPOS accredited.

c) Pharmacy:

Pharmacy services will be contracted with Hill's Pharmacy locally and the contract will include 24 hour access for medication as needed by hospice patients and the ability to compound

prescribed medications when ordered. Talbot Hospice has a long term relationship with Hill's and respects their similar community-focused mission to serve Talbot County.

d) Social Service Agencies, Etc.:

Talbot Hospice has a strong, long term relationship with the Talbot County Health Department; it will sustain this relationship to promote access for underserved community populations and developmentally disabled individuals. Talbot Hospice will work with the Health Department to identify other areas of support for hospice patients that could improve in-home support, including meals on wheels, senior services, additional family support, immunizations, veteran support, Adult Evaluation and Review Services, and reporting any suspected neglect and abuse case witnessed while a patient may be under hospice care. This linkage will also be established with the Talbot County Social Services Department.

The relationship between Talbot Hospice and the local Veteran Services Center, recently opened in November 2013, will cohesively support for our hospice veterans. Talbot Hospice currently has local support from the VFW to help us with our Veteran Recognition Program; we will continue our relationship with the Service Center to explore, initiate, encourage and assist Veterans to enroll in Veteran benefits they may be entitled to.

Other key linkages in the Talbot County community will include the local Senior Center, Shore Regional Cancer Center, Talbot Interfaith Shelter, and the Talbot County Mental Health Association.

COMAR 10.24.13.05

Section M – Respite

Standard:

An applicant shall document its system for providing respite care for the family and other caregivers of patients.

Response:

Talbot Hospice will provide respite care for the family and other caregivers of patients in a manner consistent with Maryland and federal regulations, including 42 C.F.R § 418.108. Talbot Hospice's respite care policy is attached as Exhibit III-05M.

COMAR 10.24.13.05

Section N – Public Education

Standard:

An applicant shall document its plan to provide public education programs designed to increase awareness and consciousness of the needs of dying individuals and their caregivers, to increase the provision of hospice services to minorities and the underserved, and to reduce the disparities in hospice utilization. Such a plan shall detail the appropriate methods it will use to reach and educate diverse racial, religious and ethnic groups that have used hospice services at a lower rate than the overall population in the proposed hospice's service area.

Response:

Throughout its 33 year history, Talbot Hospice has been the community's resource for education about end-of-life issues. Talbot Hospice understands that people are reluctant to address death and dying until they are confronted personally or within their own family or social circle. Therefore, Talbot Hospice has over the years evolved a number of outreach methods, in recognition of social media outlets and formats available. Talbot Hospice will continue to raise awareness of hospice in diverse communities, with particular attention to African-American and Hispanic populations in Talbot County.

Talbot Hospice will use education and outreach strategies consistent with those of the National Hospice and Palliative Care Organization.

Talbot Hospice's plan to continue to provide high-quality public education programs is attached as Exhibit III-05N.

COMAR 10.24.13.05

Section O – Patients’ Rights

Standard:

An applicant shall document its ability to comply with the patients’ rights requirements as defined in COMAR 10.07.21.21.

Response:

Talbot Hospice has a strong record of respecting patient rights and is known in the community as an ethical provider of end-of-life care.

Talbot Hospice has established a patients’ rights policy, which policy is attached as Exhibit III-05O. This policy meets and exceeds the standards set forth in COMAR 10.07.21.21 and 42 C.F.R. § 418.52, and will comply with the standards promulgated by the Community Health Accreditation Program. Each patient receives a verbal explanation of this policy, as well as a written copy of it. A copy of this policy – as signed by the patient and/or patient representative – is inserted into the patient’s record.